



Atty. Docket No. A33875 - 067515.0121

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Young-il Lim  
Serial No. : 09/767,563 Examiner : Mehrpour, Naghmeh.  
Filed : January 23, 2001 Group Art Unit : 2686  
For : METHOD FOR CONTROLLING OVERLOAD IN DIGITAL MOBILE  
COMMUNICATION SYSTEM

**LETTER REGARDING PETITION TO REVIVE PATENT APPLICATION**

**ABANDONED UNINTENTIONALLY**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

September 27, 2004

Date of Deposit

Bradley B. Geist

Attorney Name

Signature

27,551

PTO Registration No.

September 27, 2004

Date of Signature

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper accompanies a Petition for Revival of an Application for Patent Application Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) ("Petition"). Also attached is a Request for Continued Examination ("RCE") and a request to enter the filed Amendment on July 19,

2004.

09/29/2004 CCHAU1 00000076 09767563

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It has come to the attention of the undersigned attorney that the Response After Final ("Response") mailed on July 19, 2004 was filed inadvertently without a RCE or Notice of Appeal, and that neither of these papers were filed before the deadline, August 18, 2004. Thus, the above-referenced application went abandoned as of August 19, 2004. Therefore, Applicants submit herewith a Petition and an RCE. Applicants submit that the failure to submit the submission of the RCE was unintentional. The papers submitted herewith have been prepared promptly after it was conclusively established that the application had been unintentionally abandoned. A Notice of Abandonment dated September 8, 2004 has been issued by the Patent Office. Applicants also submit the petition fee as set forth in 37 C.F.R. § 1.17(m) and the RCE fee along with an extension fee.

A three-month extension of time is hereby requested for the above-identified application. The required fee of \$950 less the 2 months extension fee submitted on July 19, 2004 (balance due \$530) is enclosed herewith. Any additional fees can be charged to our Deposit Account No. 02-4377. Two copies of this request are attached.

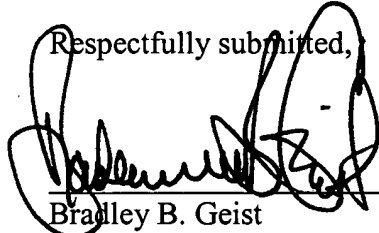
However, should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377. A duplicate copy of this sheet is enclosed.

Applicants' attorney points out that on three separate occasions, the Examiner in charge of this application was contacted via telephone to discuss the status of this case. In each conversation, the examiner stated that the case would not go abandoned until Applicants had an opportunity to respond to the Advisory Action, despite the fact that neither a Notice of Appeal

PATENT

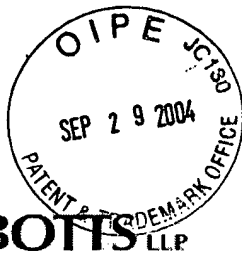
nor RCE had been filed at the time of the filing of the amendment in response to the final Official Action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bradley B. Geist', is written over a horizontal line.

Bradley B. Geist  
PTO Reg. No. 27,551  
Attorney for Applicants

BAKER BOTTS, L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-2562



**BAKER BOTTS LLP**

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
A338756-067515.0121

First named inventor: LIM et al.

Application No.: 09/767,563

Art Unit: 2686

Filed: January 23,, 2001

Examiner: Mehrpour, Naglmeh

Title: METHOD FOR CONTROLLING OVERLOAD IN DIGITAL MOBILE COMMUNICATION SYSTEM

Attention: Office of Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1330.0 (37 CFR 1.17(m))

**2. Reply and/or fee**

**A. The reply and/or fee to the above-noted Office action in**

the form of RCE (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

**B. The issue fee of \$\_\_\_\_\_.**

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

# BAKER BOTTS LLP

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

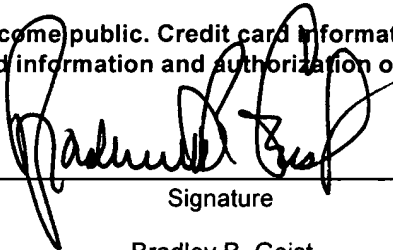
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

9.27.04

Date

Telephone  
Number: 212-408-2562



Signature

Bradley B. Geist

Typed or printed name

BAKER BOTTS LLP

Address

30 Rockefeller Plaza, NY NY 10112

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: RCE

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

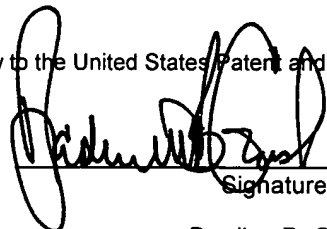
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

9.27.04

Date



Signature

Bradley B. Geist

Type or printed name of person signing certificate